

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEROME BAKER,

Plaintiff,

v.

MACOMBER, *et al.*,

Defendants.

No. 1:24-cv-00737-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING ACTION, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM, FAILURE TO OBEY COURT ORDER, AND FAILURE TO PROSECUTE

Doc. 9

Plaintiff Jerome Baker is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that he has been denied the right to an education in prison. Doc. 1. He claims that such denial constitutes a violation of the First, Eighth, and Fourteenth Amendments. *Id.* at 3-4. As relief, he seeks to be placed into education, to be assigned a tutor, for the prison to pay for future education following his release, and compensatory damages. *Id.* at 6. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 22, 2024, the assigned magistrate judge screened the complaint and found that it failed to comply with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim for relief. Doc. 7. Specifically, the magistrate judge found that the complaint “fails to link any defendant to the alleged wrongful conduct.” *Id.* at 4. Moreover, the magistrate judge found that “there is no constitutional right to education or rehabilitation in prison” and that plaintiff also

1 failed to state a cognizable equal protection claim because he “does not allege that he was
2 discriminated against because of his membership in any protected class” or that “he was
3 intentionally treated differently than other similarly situated inmates without a rational
4 relationship to a legitimate state purpose.” *Id.* at 4-5 (citations omitted). Finally, the magistrate
5 judge indicated that injunctive relief, as plaintiff requests, would not be appropriate. *Id.* at 5.
6 Plaintiff was granted leave to file a first amended complaint or a notice of voluntary dismissal
7 within thirty (30) days. *Id.* at 6. Plaintiff was warned that failure to comply with the Court’s order
8 would result in a recommendation for dismissal of this action, with prejudice. *Id.* Plaintiff failed
9 to file an amended complaint or otherwise communicate with the Court. *See Docket.*

10 On January 10, 2025, the magistrate judge issued findings and recommendations to
11 dismiss this action, with prejudice, for failure to state a claim pursuant to 28 U.S.C. § 1915A,
12 failure to obey a court order, and failure to prosecute. Doc. 9. The magistrate judge
13 recommended dismissal for failure to state a claim for the same reasons as set forth in its
14 November 22, 2024 screening order and recommended dismissal for failure to prosecute and
15 failure to obey a court order based on plaintiff’s failure to comply with the November 22, 2024
16 order directing him to file an amended complaint within 30 days. *Id.* at 3-7. The findings and
17 recommendations were served on plaintiff and contained notice that any objections thereto were
18 to be filed within fourteen days after service. *Id.* at 7. Plaintiff has not filed objections, and the
19 time to do so has passed.

20 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
21 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
22 and recommendations are supported by the record and by proper analysis.

23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

Accordingly,

- 2 1. The findings and recommendations issued on January 10, 2025, Doc. 9, are adopted in
3 full;
4 2. This action is dismissed, with prejudice, due to plaintiff's failure to state a claim, failure to
5 obey a court order, and failure to prosecute; and
6 3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: February 19, 2025

fish fry

UNITED STATES DISTRICT JUDGE